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Paper No. 11

APPLIED MATERIALS, INC.  
2881 SCOTT BLVD., M/S 2061  
SANTA CLARA CA 95050

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JUN 26 2003

In re Application of	:	OFFICE OF PETITIONS
Gilad Almogy et al	:	
Application No. 09/986,137	:	DECISION ON PETITION
Filed: November 7, 2001	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 005426/02	:	

This is a decision on the petition, filed May 21, 2003, under 37 CFR 1.137(f), which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application.

The petition is dismissed as **MOOT**.

An applicant who makes a nonpublication request under 35 U.S.C. 122(b)(2)(B)(i) and then rescinds (pursuant to 35 U.S.C. § 122(b)(2)(B)(ii)) the nonpublication request **before or on the date a counterpart application is filed in an eighteen-month publication country**, the nonpublication request will be treated as annulled and the application will be treated as if the nonpublication request were never made. See Notice published on [www.USPTO.gov](http://www.USPTO.gov) on June 6, 2003, which clarifies the USPTO's interpretation of the provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv).

In the instant application, a notice to rescind was filed prior to the filing date of a corresponding application in a foreign country. Therefore, since the filing of the request to rescind prior to the filing date of a corresponding application in a foreign application resulted in the annulling of the nonpublication request, this application is not regarded as abandoned. As such, the filing of a petition to revive is unnecessary and is dismissed as involving a moot issue.

Since this application is not in fact abandoned for the reason stated above, petitioner may request a refund of the petition fee by writing to the Office of Finance Refund Section. A copy of this **notice** should accompany the request.

Instant petition: all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

This application is being forwarded to Technology Center Art Unit 2881.

Any inquiries concerning this decision may be directed to Karen Creasy at (703)305-8859.

*Karen Creasy*

Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc:

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